IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

WP(C).No. 4076 of 2007(I)

PETITIONER:
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1. SEBASTIAN T.J.,
ASSISTANT ENGINEER, AROOKUTTY GRAMA PANCHAYAT,
AROOKUTTY, ERNAKULAM DISTRICT.

2. UNNIKRISHNAN NAIR K.,
ASSISTANT ENGINEER, L.S.G.D. SECTION,
CHELAKKARA GRAMA PANCHAYAT, CHELAKKARA,
THRISSUR DISTRICT.

3. SIVAJI M.R.,
ASSISTANT ENGINEER, ENADIMANGALAM GRAMA PANCHAYAT,
ADOOR, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY
THE PRINCIPAL SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT (P) DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER,
P.W.D. (ADMINISTRATION), THIRUVANANTHAPURAM.

3. THE CHIEF ENGINEER,
LOCAL SELF GOVERNMENT DEPARTMENT,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 4076 OF 2007

Dated this the 6th February, 2007.

JUDGMENT

The petitioners are borne on the cadre of Assistant Engineers in the Public Works Department. Government issued order dated 5.7.2006 deploying the petitioners along with other Assistant Engineers to the Local Self Government Department. Consequential proceedings were issued as seen from Ext.P2 passed by the Chief Engineer, Local Self Government Department. The petitioners approached this Court seeking reliefs against the order deploying them from Public Works Department to Local Self Government Department. This Court directed the Government to consider their contentions and pass appropriate orders. Consequently Ext.P9 G.O dated 20.1.2007 has been passed rejecting the request of the petitioners. Ext.P9 is therefore under challenge. The main contention urged by the counsel for the petitioners is that new recruits have joined duty as Assistant Engineers, and evidently, they being juniors in the department ought to have been deployed to the Local Self Government Department in preference to the petitioners. The above contention was taken before the Government also at the time of personal hearing afforded to the petitioners.

2. In Ext.P9 the contention of the petitioners has been met as follows:-

> "Their contention is baseless as the petitioners were juniors at the time of deployment. It was only after the deployment of the petitioners that Government decided to deploy fresh recruits appointed through Public Service Commission to the Local Self Government Department."

I am of the view that the above answer given by the Government in Ext.P9, in reply to the contention raised by the petitioners is factually and legally sustainable. The petitioners have not made out a case for interference under Art.226 of the Constitution of India. Therefore the writ petition is liable to be dismissed. I do so.

K.K.DENESAN
Judge

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